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#3

1085-041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Liang et al

Wireless Communication Apparatus and
Method

Application No: 10/054,543

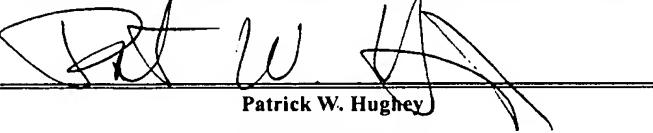
Filed: January 18, 2002

Examiner:

Art Unit: 2634

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE DOCUMENTS REFERRED TO AS BEING ATTACHED OR ENCLOSED HEREWITH ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE ON May 2, 2002 AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.



Patrick W. Hughey

Attorney for Applicant

PETITION UNDER 37 CFR 1.53(e)

ASSISTANT COMMISSIONER FOR PATENTS
Washington D.C. 20231

Sir:

In reply to the Notice of Omitted Items mailed April 2, 2002 ("Notice," copy enclosed), this is a petition to support applicant's contention that the item listed in the Notice was in fact deposited in the US Patent and Trademark Office on January 18, 2002.

The Commissioner is hereby authorized to charge the requisite fee under 37 CFR 1.17(h), and apply any subsequent refund, to Deposit Account No. 50-0241.

Also enclosed with this petition is a copy of Figure 9 as described in the specification and identified in the Notice as apparently omitted. Fig. 9 was one of 8 drawing sheets originally deposited. Originally filed figures 1 and 2 appear on a single sheet, the remaining figures 3 – 9 are provided on 7 separate sheets.

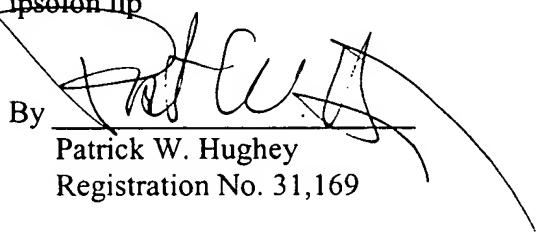
As evidence of the deposit of all 8 drawing sheets, including Fig. 9, applicant encloses a copy of the date-stamped postcard receipt that was included in the original deposit. Also included is applicant's file copy of the postcard receipt as made on the day of deposit (January 18, 2002). Both copies of the receipt (as-mailed, and date-stamped) show that 8 drawing sheets were submitted.

In view of the foregoing, applicant requests a determination that the Fig. 9 was originally deposited on January 18, 2002.

Respectfully submitted,

ipsoloN llP

By



Patrick W. Hughey
Registration No. 31,169

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JUN 17 2002

OFFICE OF PETITIONS

805 SW Broadway #2740
Portland, OR 97205
Tel. No. (503) 419-0704



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Applicant: Crain et al

Filing Fee

Transmittal Letter in Duplicate Triplicate Cover Sheet (prov. apps. only)

Patent Application:

Spec. 28 pgs. 11 pgs. Claims Drawings 8 sheets

Declaration w/ Power of Atty.: without signature(s)

Assignment

Assignment Cover Sheet



Small Entity Statement: Ind. Inv. Small Bus. Non-Inv. Non-Profit

Info Disclosure Statement: PTO Form 1449 with _____ References

Other:

Date Mailed: JAN 18 2002 Atty. Ref. No.: 1085-041-PWTF

Check \$ _____ (No. _____) Expr.

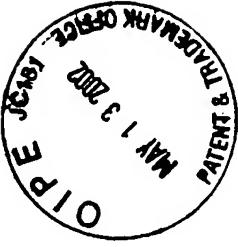
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Items on the Date Stamped on this Postcard

Applicant: Chang et al.

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Transmittal Letter in Duplicate Triplicate Cover Sheet (prov. apps. only)

Patent Application in

Spec. 28 pgs. 1 pgs. Claims Drawings 8 sheets

Declaration w/ Power of Atty.: without signature(s)

Assignment Assignment Cover Sheet

Small Entity Statement: Ind. Inv. Small Bus. Non-Inv. Non-Profit

Info Disclosure Statement: PTO Form 1449 with References

Other:

Date Mailed: May 18, 2002 Atty. Ref. No.: 1085-041-P41

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,543	01/18/2002	Ying-Chang Liang	1085-041-PWH

CONFIRMATION NO. 9245

21034
IPSOLON LLP
805 SW BROADWAY, #2740
PORTLAND, OR 97205

FORMALITIES LETTER



OC00000007764478

Date Mailed: 04/02/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 9 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to option(s) (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

RF

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/054,543			
Filing Date	Jan 18, 2002			
First Named Inventor	Liang			
Group Art Unit	2634			
Examiner Name				
Total Number of Pages in This Submission	7	Attorney Docket Number	1085-041-PWH	

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Sheets <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Copy of PTOL-85B to Accompany Issue Fee <input type="checkbox"/> Request for Patent Copies <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
Petition under Rule 53(e) with 4 attachments.		
The Commissioner is hereby authorized to charge any additional fees that may be required in connection with prosecution of this application to Deposit Account No. 50-0241		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Patrick W. Hughey, Reg. No. 31,169		
Signature			
Date	May 2, 2002		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: May 2, 2002

Typed or printed name	Patrick W. Hughey		
Signature			
Date	May 2, 2002		